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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,923	01/15/2002	Andrew Lewis Schirmer	23452-507	4480
909	7590	03/27/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			SMITH, TRACI L	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			3629	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,923

Applicant(s)

SCHIRMER ET AL.

Examiner

Traci L. Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to papers filed on January 15, 2002.
2. Claims 1-50 are pending.
3. Claims 1-50 are rejected.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 19-20 and 46-47 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The above claims have the limitations of "determining" an affinity value threshold and identifying if an affinity value is less than the threshold. The disclosure does not teach how to determine the threshold in any manner. Furthermore, the disclosure does not identify or teach what a affinity value is a how one comes up with an affinity value.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3629

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2004/0068477 Gilmour et al; Method and System to Publish the Results of a Search of Descriptive Profiles based on Respective Publication Policies Specified by Owners of the Descriptive Profiles and a Profile Service Provider.
8. As to claims 1, 23, 33 and 50 Gilmour teaches identifying a publication policy (Pg. 5 para 47) and sending a message for whether or not a provider can publish parts of a profile(Pg. 5 para 52).
9. As to claims 2, 17, 30, 32 and 34 Gilmour teaches determining if a user responded to a message(Pg. 5 para 52).
10. As to claims 3, 6, 35, 38 and 44 Gilmour teaches publish info if there was no response to message9Pg. 9 para 103).
11. As to claims 4, 22, 25, 36 and 49 Gilmour teaches publishing profile also updates profile information(Pg. 7 para 79).
12. As to claims 5 and 37 Gilmour teaches notify user of publication(Pg. 9 para 103).
13. As to claims 7and 11 Gilmour teaches notify user information is not published(Pg. 9 para 103)
14. As to claims 8 and 39 Gilmour teaches determining if there is an auto publish rule(Pg 9 para 105)

15. As to claims 9, 31 and 40 Gilmour teaches if auto rule says publish without notification publishing information(Pg. 9 104; Pg. 7 para 79)
16. As to 10 and 41 Gilmour teaches if auto rule says not to publish without notification then don't publish(Pg. 5 para 58).
17. As to claims 12-13, 26 and 42 Gilmour teaches identifying a policy associated with a user(Pg. 5 para 47).
18. As to claims 14 and 43 Gilmour teaches reviewing the policy for publication rules(Pg. 5 para 55).
19. As to claims 15 and 29 Gilmour teaches a predetermined time for response(Pg. 5 para 52)
20. As to claims 16 and 44 Gilmour teaches a website default publication policy(Pg. 7 para 78).
21. As to claims 18, 28 and 45 Gilmour teaches identifying a publication policy and determining what the publication guidelines are(Pg. 7 para 78).
22. As to claims 19 and 46 as best understood by the examiner Gilmour teaches a profile threshold(Pg. 7 para 74).
23. As to claims 20 and 47 as best understood by the examiner Gilmour teaches identifying if profile is with in threshold for publication(Pg. 5 para 55).
24. As to claims 21 and 48 Gilmour teaches getting a response from the user and publishing information if given permission(Pg. 7 para 81).

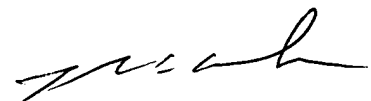
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS



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